

Program B: Louisiana Indigent Defense Assistance Board

Program Authorization: R.S. 15:151 et seq.

PROGRAM DESCRIPTION

The mission of the Louisiana Indigent Defense Assistance Board is to coordinate and improve the public defender system through education, specialized training, technical assistance, sound financial and administrative guidelines, case assistance and managed resource allocation.

The goals of the Louisiana Indigent Defense Assistance Board are:

1. Standardize workload and attorney support units on a statewide basis.
2. Provide quality legal representation in appellate practice by delivering well analyzed and argued appellate briefs and cogent, effective oral arguments on behalf of individual clients.
3. Provide trained, certified, effective counsel to indigent clients charged with a capital crime, appealing a capital conviction and pursuing post-conviction relief.
4. Improve the administrative oversight of attorneys and support staff employed to provide defense services to the program's clients.

The Louisiana Indigent Defender Board, an interim Board, was established by Supreme Court Rule XXXI upon the recommendation of an inter-branch task force composed of members from the legislative, executive and judicial branches. The Board, which was created under the judicial branch of state government, is composed of no less than seven and no more than 15 persons, appointed by the Chief Justice with concurrence of a majority of the Associate Justices. In addition to the necessary and usual powers of the board, the Supreme Court Rule charges the Board with certain responsibilities toward improving the administration of criminal justice in the arena of indigent defense. The Board had a sunset provision of December 31, 1997.

On January 1, 1998, R.S. 15:151 et seq. went into effect, establishing and empowering the Louisiana Indigent Defense Assistance Board (LIDAB), an independent agency of the Executive Branch. Act 10 of the 1998 Regular Legislative Session (General Appropriations Bill) transferred LIDAB to the Executive Office of the Governor as a separate program. The newly created board possesses the powers and duties of its previous board with added rule making authority. In addition, the power to appoint members was transferred to the governor (3 members and designate chairman), the president of the Senate (3 members), the speaker of the House of Representatives (3 members) and one voting member is appointed by each of the following: the Louisiana Association of Criminal Defense Lawyers, the Louisiana Public Defenders Association, and the Louisiana Trial Lawyers Association.

The Louisiana Indigent Defense Assistance Board consists of the following activities: Juvenile Defender Program, Technical Assistance Program, Felony Appellate Program, and Capital Program.

OBJECTIVES AND PERFORMANCE INDICATORS

Unless otherwise indicated, all objectives are to be accomplished during or by the end of FY 2001-2002. Performance indicators are made up of two parts: name and value. The indicator name describes what is being measured. The indicator value is the numeric value or level achieved within a given measurement period. For budgeting purposes, performance indicator values are shown for the prior fiscal year, the current fiscal year, and alternative funding scenarios (continuation budget level and Executive Budget recommendation level) for the ensuing fiscal year (the fiscal year of the budget document).

1. (KEY) Through the Juvenile Defender activity, to reduce the number of youth in secure facilities through motions to modify filed in district court.

Strategic Link: This operational objective is related to Strategic Goal I: *To provide quality legal representation in juvenile post-dispositional hearings by delivering well prepared cases on behalf of individual juvenile clients.*

Louisiana: Vision 2020 Link: Not applicable

Children's Cabinet Link: Not applicable

Other Link(s): Not applicable

Explanatory Note: See La. R.S. 15:151 et seq.

L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND	ACTUAL	ACT 11	EXISTING	AT	AT
		PERFORMANCE	YEAREND	PERFORMANCE	PERFORMANCE	CONTINUATION	RECOMMENDED
		STANDARD	PERFORMANCE	STANDARD	STANDARD	BUDGET LEVEL	BUDGET LEVEL
		FY 1999-2000	FY 1999-2000	FY 2000-2001	FY 2000-2001	FY 2001-2002	FY 2001-2002
K	Number of youths served (Youth Post - Dispositional Advocacy)	Not applicable ¹	50	80	100	100	100
K	Number of appeals filed	Not applicable ²	Not applicable ²	Not applicable ²	25 ²	25	25

¹ This was a new indicator for FY 2000-2001. It did not appear under Act 10 of 1999 and does not have a FY 1999-2000 performance standard.

² This is a new indicator for FY 2001-2002. It did not appear under Act 10 of 1999 or Act 11 of 2000 and does not have performance standards for FY 1999-2000 or FY 2000-2001. Performance data were not tracked or reported for this indicator in FY 1999-2000. The performance indicator value for the existing performance standard is an estimate not a standard.

2. (KEY) Through the Technical Assistance activity, to provide \$31.25 for each opened felony case to each district indigent defender board.

Strategic Link: The operational objective relates to Strategic Goal I: *To improve the administrative oversight of attorneys and support staff employed to provide defense services to the program's clients.*

Louisiana: Vision 2020 Link: Not applicable

Children's Cabinet Link: Not applicable

Other Link(s): Not applicable

Explanatory Note: See La. R.S. 15:151 et seq. Funding requested for this program will be used to defray mandated cost in capital appeals and post-conviction counseling.

L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1999-2000	ACTUAL YEAREND PERFORMANCE FY 1999-2000	ACT 11 PERFORMANCE STANDARD FY 2000-2001	EXISTING PERFORMANCE STANDARD FY 2000-2001	AT CONTINUATION BUDGET LEVEL FY 2001-2002	AT RECOMMENDED BUDGET LEVEL FY 2001-2002
K	Supplemental funding to 41 judicial district indigent defender boards per opened felony case	Not applicable ¹	\$55.88	\$31.25	\$31.25	\$31.25	\$31.25

¹ This was a new indicator for FY 2000-2001. It did not appear under Act 10 of 1999 and does not have a FY 1999-2000 performance standard.

3. (KEY) Through the Appellate activity, to provide defense services in 100% of non-capital felony appeals taken in Louisiana.

Strategic Link: This operational objective is related to Strategic Goal I: *To provide quality legal representation in appellate practice by delivering well analyzed and argued appellate briefs and cogent, effective oral arguments on behalf of individual clients.*

Louisiana: Vision 2020 Link: Not applicable

Children's Cabinet Link: Not applicable

Other Link(s): Not applicable

Explanatory Note: See La.R.S. 15:151 et seq.

L E V E L		PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1999-2000	ACTUAL YEAREND PERFORMANCE FY 1999-2000	ACT 11 PERFORMANCE STANDARD FY 2000-2001	EXISTING PERFORMANCE STANDARD FY 2000-2001	AT CONTINUATION BUDGET LEVEL FY 2001-2002	AT RECOMMENDED BUDGET LEVEL FY 2001-2002
	PERFORMANCE INDICATOR NAME						
K	Percentage of provision of counsel in non-capital appeals	Not applicable	100%	100%	100%	100%	100%

¹ This was a new indicator for FY 2000-2001. It did not appear under Act 10 of 1999 and does not have a FY 1999-2000 performance standard.

4. (KEY) Through the Capital activity, to provide defense services in 100% of capital post-conviction proceedings.

Strategic Link: This operational objective related to Strategic Goal I: *To provide trained, certified, effective counsel to indigent clients charged with a capital crime, appealing a capital conviction, and pursuing post-conviction relief.*

Louisiana: Vision 2020 Link: Not applicable

Children's Cabinet Link: Not applicable

Other Link(s): Not applicable

Explanatory Note: See La. R.S. 15:149.1 and La. R.S. 15:151.2 (E)(2). The budget requested and approved for FY 2000-2001 included no funding for capital post-conviction proceedings. The legislature, however, amended Title 15 and mandated that the Louisiana Indigent Defense Assistance Board (LIDAB) handle all capital post-conviction proceedings.

L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1999-2000	ACTUAL YEAREND PERFORMANCE FY 1999-2000	ACT 11 PERFORMANCE STANDARD FY 2000-2001	EXISTING PERFORMANCE STANDARD FY 2000-2001	AT CONTINUATION BUDGET LEVEL FY 2001-2002	AT RECOMMENDED BUDGET LEVEL FY 2001-2002
K	Percentage provision of counsel to capital defendants in post-conviction proceedings in state court	Not applicable ¹	0%	10%	10%	100%	100%

¹ This was a new indicator for FY 2000-2001. It did not appear under Act 10 of 1999 and does not have a FY 1999-2000 performance standard.

5. (KEY) Through the Capital activity, to provide defense services in 100% of capital appeals.

Strategic Link: This operational objective related to Strategic Goal I: *To provide trained, certified, effective counsel to indigent clients charged with a capital crime, appealing a capital conviction, and pursuing post-conviction relief.*

Louisiana: Vision 2020 Link: Not applicable

Children's Cabinet Link: Not applicable

Other Link(s): Not applicable

Explanatory Note: See La. R.S. 15:149.1 and La. R.S. 15:151.2 (E)(2). The budget requested and approved for FY 1999-00 included funding for 50% of capital appeals. The legislature, however, amended Title 15 mandating that the Louisiana Indigent Defense Assistance Board (LIDAB) assume the costs of 100% of capital appeals.

L E V E L		PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1999-2000	ACTUAL YEAREND PERFORMANCE FY 1999-2000	ACT 11 PERFORMANCE STANDARD FY 2000-2001	EXISTING PERFORMANCE STANDARD FY 2000-2001	AT CONTINUATION BUDGET LEVEL FY 2001-2002	AT RECOMMENDED BUDGET LEVEL FY 2001-2002
K	Percentage provision of counsel to capital defendants on appeal to Louisiana Supreme Court and United States Supreme Court	Not applicable ¹	35%	40%	40%	100%	100%

¹ This was a new indicator for FY 2000-2001. It did not appear under Act 10 of 1999 and does not have a FY 1999-2000 performance standard.

RESOURCE ALLOCATION FOR THE PROGRAM

	ACTUAL 1999 - 2000	ACT 11 2000 - 2001	EXISTING 2000 - 2001	CONTINUATION 2001 - 2002	RECOMMENDED 2001 - 2002	RECOMMENDED OVER/(UNDER) EXISTING
MEANS OF FINANCING:						
STATE GENERAL FUND (Direct)	\$7,472,297	\$7,517,315	\$7,556,933	\$7,713,776	\$7,807,734	\$250,801
STATE GENERAL FUND BY:						
Interagency Transfers	0	0	277,980	277,980	0	(277,980)
Fees & Self-gen. Revenues	0	0	0	0	0	0
Statutory Dedications	0	0	0	0	0	0
Interim Emergency Board	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
TOTAL MEANS OF FINANCING	<u>\$7,472,297</u>	<u>\$7,517,315</u>	<u>\$7,834,913</u>	<u>\$7,991,756</u>	<u>\$7,807,734</u>	<u>(\$27,179)</u>
EXPENDITURES & REQUEST:						
Salaries	\$224,259	\$225,690	\$225,690	\$234,807	\$234,807	\$9,117
Other Compensation	15,451	23,666	23,666	23,666	23,666	0
Related Benefits	39,314	38,491	38,491	40,313	40,313	1,822
Total Operating Expenses	75,990	102,220	102,220	103,588	102,220	0
Professional Services	105	21,000	60,618	61,830	21,000	(39,618)
Total Other Charges	7,092,406	7,091,248	7,369,228	7,511,052	7,369,228	0
Total Acq. & Major Repairs	24,772	15,000	15,000	16,500	16,500	1,500
Unallotted	0	0	0	0	0	0
TOTAL EXPENDITURES AND REQUEST	<u>\$7,472,297</u>	<u>\$7,517,315</u>	<u>\$7,834,913</u>	<u>\$7,991,756</u>	<u>\$7,807,734</u>	<u>(\$27,179)</u>
AUTHORIZED FULL-TIME EQUIVALENTS: Classified	0	0	0	0	0	0
Unclassified	5	5	5	5	5	0
TOTAL	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>0</u>

SOURCE OF FUNDING

This program is funded with State General Fund.

ANALYSIS OF RECOMMENDATION

GENERAL FUND	TOTAL	T.O.	DESCRIPTION
\$7,517,315	\$7,517,315	5	ACT 11 FISCAL YEAR 2000-2001
			BA-7 TRANSACTIONS:
\$39,618	\$39,618	0	Carry Forward obligations to continue representation of nine court-ordered cases of indigent clients charged with capital crimes
\$0	\$277,980	0	Expense authority transferred from the Executive Office Administrative Program for the defense of indigent youths within the Corrections system as specified in a consent decree.
\$7,556,933	\$7,834,913	5	EXISTING OPERATING BUDGET – December 15, 2000
\$5,415	\$5,415	0	Annualization of FY 2000-2001 Unclassified State Employees Merit Increase
\$5,524	\$5,524	0	Unclassified State Employees Merit Increases for FY 2001-2002
\$16,500	\$16,500	0	Acquisitions & Major Repairs
(\$15,000)	(\$15,000)	0	Non-Recurring Acquisitions & Major Repairs
(\$39,618)	(\$39,618)	0	Non-Recurring Carry Forwards
\$277,980	\$0	0	Net Means Of Financing Substitutions - Substitute Interagency Transfers from Corrections for State General Fund from Corrections to provide representation to youths within the Correction's system as stipulated in a consent decree
\$7,807,734	\$7,807,734	5	GRAND TOTAL RECOMMENDED

The total means of financing for this program is recommended at 99.6% of the existing operating budget. It represents 90.5% of the total request (\$8,618,405) for this program. The difference in total recommended and existing operating budget is due to non-recurring carry forwards to continue representation on nine cases of indigent clients charged with capital crimes.

PROFESSIONAL SERVICES

\$10,000	Computer Network Analyst
\$10,000	Legal contract services
\$1,000	Engineering and architectural services

\$21,000 TOTAL PROFESSIONAL SERVICES

OTHER CHARGES

\$7,091,248	Inclusive of activities, such as District Assistance Fund (\$3,000,000), Felony Appellate (\$1,093,836), Capital Appellate (\$101,357), Capital Conflicts (\$424,590), Ancillary Services activities (\$102,215), Capital Trial Program (\$2,050,000), Capital Post C (\$319,250)
\$277,980	Funds to provide representation to youths within the Correction's system as stipulated in a consent decree
\$7,369,228	TOTAL OTHER CHARGES

ACQUISITIONS AND MAJOR REPAIRS

\$16,500	Replacement of office equipment and general maintenance
\$16,500	TOTAL ACQUISITIONS AND MAJOR REPAIRS